

TO: Senate Judiciary Committee  
FROM: Cynthia Wolken, Esq., Skadden Fellow  
Montana Legal Services Association  
DATE: February 6, 2007  
RE: SB 385, Criminalizing involuntary servitude and trafficking in persons

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Good morning, Mr. Chair and members of the committee. My name is Cynthia Wolken, and I am an attorney with Montana Legal Services Association focusing on immigration and human trafficking. As you may know, Montana Legal Services Association provides free legal assistance to low-income immigrant survivors of domestic and sexual violence as well as to qualifying immigrant and migrant workers. On behalf of these clients, I urge you to support SB 385.

Human trafficking and involuntary servitude is modern day slavery. Every year, thousands of men, women, and children are forced to work against their will in the United States. Human trafficking and forced labor takes place across many industries - victims can be found working in our hotels, harvesting our crops, constructing our buildings, or living in the house down the street. Most victims of trafficking and servitude are already marginalized- they are often poor, foreign-born, or do not speak English. Captors use their victims' legal status here to make them afraid to reach out for help.

Montana Legal Services has represented many immigrant women brought to this country by abusive men. Once here, the women find themselves isolated, physically or sexually abused, and often forced to perform domestic work. There is no hard data on how widespread the problem is in Montana because of the hidden nature of these crimes and the lack of awareness that exists on the subject. However, I can tell you that this law would protect many of our clients and, given the horrific nature of trafficking and servitude, even one prosecution for this crime would make this legislation worthwhile.

You also might wonder why state legislation is needed when there is a federal law prohibiting human trafficking. The answer is simple. Montana's law enforcement providers are many times the first points of contact for victims of crime. Montana needs to give her law enforcement agents the tools they need to adequately respond to trafficking and forced labor situations. They should not have to hobble together different sections of the criminal code, such as the domestic violence, assault, or kidnapping statutes, when there could be a single offense that adequately defines the crime. In recognition of the need for state law in this area, over 24 states currently have anti-trafficking laws and several more are considering such legislation.

On behalf of our clients who are victims of - or vulnerable to - human trafficking and involuntary servitude, I urge a do pass on SB 389.